

JULY 16 2001 U.S. PTO

12-31-01

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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# NEW UTILITY PATENT APPLICATION TRANSMITTAL

*(only for new nonprovisional applications under  
37 CFR 1.53(b))*

Attorney Docket Number	20830-06581
First Named Inventor	Steven W. Meeks
Title	A Material Independent Optical Profilometer
Express Mail Label No.	EL482472861US

JC971 U.S. PTO

10/02/9957

12/21/01

APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 3. <input checked="" type="checkbox"/> Specification      Total Pages <input type="text" value="48"/> <small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none"> <li><input type="checkbox"/> Descriptive Title of the Invention</li> <li><input type="checkbox"/> Cross Reference(s) to Related Case(s)</li> <li><input type="checkbox"/> Statement Regarding Fed sponsored R &amp; D</li> <li><input type="checkbox"/> Background of the Invention</li> <li><input type="checkbox"/> Brief Summary of the Invention</li> <li><input type="checkbox"/> Brief Description of the Drawing(s)</li> <li><input type="checkbox"/> Detailed Description</li> <li><input type="checkbox"/> Claim or Claims</li> <li><input type="checkbox"/> Abstract of the Disclosure</li> </ul> 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113)      Total Sheets <input type="text" value="37"/> 5. Oath or Declaration <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> New Declaration      Total Pages <input type="text" value="2"/>  <input type="checkbox"/> Executed (original or copy)</li> <li>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))  <small>(for continuation/divisional with Box 18 completed)</small> <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> DELETION OF INVENTOR(S)  <small>Signed statement attached deleting inventor(s)            named in the prior application, see 37 CFR            1.63(d)(2) and 1.33(b).</small></li> </ul> </li> </ul> 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 8. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small> 9. <input type="checkbox"/> Power of Attorney or Authorization of Agent 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement 11. <input type="checkbox"/> Preliminary Amendment 12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <ul style="list-style-type: none"> <li><input type="checkbox"/> Copies of IDS Citation(s)</li> </ul> 13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 <small>(b)(2)(B)(i). Applicant must attach form            PTO/SB/35 or its equivalent</small> 14. <input checked="" type="checkbox"/> Return Postcard 15. <input type="checkbox"/> 16. <input type="checkbox"/> 17. <input type="checkbox"/>
<b>ADDRESS TO:</b> <b>Box Patent Application Commissioner for Patents Washington, D.C. 20231</b>	

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/861,280 filed May 18, 2001 which application is a Continuation of application 09/818,199 filed March 26, 2001

Prior application information: Examiner: Unknown Group/Art Unit: 2877

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS



Customer Number and Bar Code  
Label

00758

Name (Print/Type)	John T. McNelis	Registration No. (Attorney/Agent)	37,186
Signature			Date <input type="text" value="21 Dec 2001"/>

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) Rev. 10/2001		U.S. Department of Commerce Patent and Trademark Office	
<b>FEE TRANSMITTAL</b>			
<b>TOTAL AMOUNT OF PAYMENT</b>		Subtotal (1) + Subtotal (2) + Subtotal (3) = <b>( \$ ) 740.00</b>	
<b>Complete if Known</b>			
Application Number		Not Yet Known	
Filing Date		December 21, 2001	
First Named Inventor		Steven W. Meeks	
Group Art Unit		Not Yet Known	
Examiner Name		Not Yet Known	
Attorney Docket Number		20830-06581	

METHOD OF PAYMENT		FEE CALCULATION (continued)			
<b>1. The Commissioner is hereby authorized to:</b>		<b>3. ADDITIONAL FEES</b>			
<input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account.  <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>†</sup>  <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		<u>Large Entity</u>	<u>Small Entity</u>	Fee Description	Fee Due
		Fee Code/Fee	Fee Code/Fee		
		105/\$130	205/\$65	Surcharge - late filing fee or oath	
		127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	
		147/\$2,520	147/\$2,520	For filing a request for reexamination	
		115/\$110	215/\$55	Extension for response within first month <sup>†</sup>	
		116/\$400	216/\$200	Extension for response within second month <sup>†</sup>	
		117/\$920	217/\$460	Extension for response within third month <sup>†</sup>	
		118/\$1,440	218/\$720	Extension for response within fourth month <sup>†</sup>	
		128/\$1,960	228/\$980	Extension for response within fifth month <sup>†</sup>	
		119/\$320	219/\$160	Notice of Appeal	
		141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application	
		142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)	
		143/\$460	243/\$230	Design Issue Fee	
		122/\$130	122/\$130	Petitions to the Commissioner	
		126/\$180	126/\$180	Submission of Information Disclosure Statement	
		179/\$740	279/\$370	Request for Continued Examination (RCE)	
		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	
		146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))	
		149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))	
		Other fee (specify):			
		Other fee (specify):			
		<b>SUBTOTAL (3) (\$).00</b>			
<b>2. CLAIMS</b>					
<u>Large Entity</u> Fee Code/Fee		<u>Small Entity</u> Fee Code/Fee	Fee Description		
103/\$18		203/\$9	Claims in excess of 20		
102/\$84		202/\$42	Independent claims in excess of 3		
104/\$280		204/\$140	Multiple dependent claim		
109/\$84		209/\$42	Reissue independent claims over original patent		
110/\$18		210/\$9	Reissue claims in excess of 20 and over original patent		
			(Col. 1)	(Col. 2)	(Col. 3)
		For	No. of Existing Claims	Highest No. Previously Paid For	Extra**
		TOTAL	8	20 or 0	0
		INDEP	1	3 or 0	0
		[ ] First presentation of multiple dependent claim			
		SUBTOTAL (2) (\$).00			
		* Subtract the greater number of Col. 2 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3			

\* Subtract the greater number of Col. 2

\*\* If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name		John T. McNelis	Reg. Number
Signature			Date
			21 Dec 2001

<sup>1</sup> Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Steven W. Meeks
	Title	A Material Independent Optical Profilometer
	Atty Docket Number	20830-06581

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

21 Dec. 2001

Date



Signature

John T. McNelis, Reg. No. 37,186

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.